

clude such men of influence as cared to associate themselves with the movement.

The object for which it was formed is best shown in its first notice, viz: "Notice is hereby given that this committee desires to maintain the independence of the republic. The fact that rumors are in course of circulation to the effect that a force composed of the Buchanan border renders it necessary to take active steps for the defense of Johannesburg and the preservation of order. The committee earnestly desire that inhabitants should refrain from taking any action which can be construed as an overt act of hostility against the Government."

"By order of the committee,
"J. PERCY FITZPATRICK, Secretary."
Order Was Maintained.

Evidence taken at the preliminary examination will show that order was maintained by this committee during a time of intense excitement, and through the action of this committee no aggressive steps whatever were taken against the Government, but, on the contrary, the property of the Government was protected and its officials were not interfered with.

It is our firm belief that had no such committee been formed the intense excitement caused by Dr. Jameson's entry would have brought about utter chaos in Johannesburg. It has been alleged that we armed natives. This is absolutely untrue, and is disposed of by the fact that during the crisis upward of 20,000 white men applied to us for arms and were unable to get them.

On Tuesday morning, December 31, we hoisted the flag of the South African Republic, and every man bound himself to maintain the independence of the Republic. On the same day the Government withdrew its police entirely from the town, and we reserved perfect order. During the evening of that day Messrs. Marshall and Malan presented themselves as delegates from the Executive Council.

Promote Peace.

They came, to use their own words, to offer us "the olive branch," and they told us that if we would send a delegation to Pretoria to meet a commission appointed by the Government we should probably obtain practically all that we asked for in our manifesto.

Our delegation met the Government Commission, consisting of Chief Justice Kotze, Judge Marshall and Mr. Hock, members of the Executive Council. On our behalf our delegation frankly avowed a knowledge of Jameson's presence on the border, and of his intention, by arrangement with us, to assist in case of extremity.

With a full knowledge of this arrangement, we signed the manifesto, and we were in arms in assisting for our rights, and the Government Commission handed to us a resolution by Executive Council, of which the following is the purport:

"Mr. Hercules Robinson had offered his services as a mediator to a peaceful settlement. The Government of the South African Republic has accepted his offer. From his arrival no hostile steps will be taken against Johannesburg, provided Johannesburg takes no hostile action against the Government. Under the terms of a certain proclamation, recently issued by the President, grievances will be earnestly considered."

We acted in perfect good faith with the Government, believing it to be their desire, as it was ours, to avert bloodshed, and believing it to be their intention to give us redress, which was implied. In the earnest consideration of grievances, there can be no better evidence of our earnest endeavor to repair what we regarded as wrongs on the part of the Government than the following offer, which our delegation authorized a resolution of the Committee laid before the Government Commission: "If Government will permit Dr. Jameson to come into Johannesburg unattended, the committee will guarantee with their persons, if necessary, that he will leave peacefully as soon as possible."

Carried Out Promises.

We faithfully carried out the promise that we should commit no act of hostility against the Government.

We ceased all active operations against the town against any attack, and we did everything in our power to prevent any collision between the burghers, an attempt in which our efforts were happily successful.

On telegraphic advice that the Government intended to send a force to Johannesburg, the committee with the Government Commission, we dispatched Mr. Race, a member of our committee, as escort to the courier carrying the High Commissioner's dispatch to Dr. Jameson in order to assure ourselves that the dispatch would reach its destination.

On the following Saturday, January 4, the High Commissioner arrived in Pretoria. On Monday, January 6, the following telegram was sent us from Pretoria:

"Dr. J. M. S. Agent to Reform Committee, Johannesburg—I am directed to inform you that the High Commissioner met the President of the Executive Council and the Judges to-day. The President announced the decision of the Government to be that Johannesburg must lay down its arms unconditionally as a condition precedent to a discussion and consideration of its grievances."

The High Commissioner endeavored to obtain some indication of the steps which would be taken in the event of disarmament, but without success. It being intimated that the Government had nothing more to say on this subject than had already been embodied in the President's proclamation, the High Commissioner inquired whether any decision had been come to as regards the disposal of prisoners, and received a reply in the negative.

The President said that as his burghers to the number of 8,000 had been collected and could not be asked to remain indefinitely, they must remain in the town, or go, to this ultimatum within twenty-four hours.

From the Commissioner.

On the following day Dr. W. H. Her Majesty's agent, met us in committee and handed to us the following wire from the High Commissioner to Sir J. de Wet at Johannesburg:

"It is urgent you should inform the Johannesburg burghers that I am sending a detachment of the army to their arms they will be acting loyally and honorably, and that if they do not comply with my request they forfeit all claim to sympathy from Her Majesty's Government, and from the British troops throughout the world."

In the Executive Council's resolution we gave our arms on the 6th, 5th and 8th of January. On the 5th we were arrested, and have since been under arrest in Pretoria, a period of twenty-four hours.

"We admit the responsibility for the action taken by us. We frankly avowed it at the time of negotiations with the Government. When we were informed that the services of the High Commissioner had been accepted with a view to a peaceful settlement, we admitted that we kept faith in every detail in the arrangement with the Government."

"As we did all that was humanly possible to protect both the State and Dr. Jameson from the consequences of his action, we claim that we have done all that we could. The law which was not known to the Government at the time that our protest consideration of our grievances was promised."

"We can only lay the bare facts before the court and submit to the judgment that may be rendered upon us."

"LIONEL PHILLIPS,
"FRANCIS RHODES,
"GEORGE FARRAR."

"Pretoria, April 24, 1896."

"I entirely concur with the above statement."
"JOHN HAYS HAMMOND."

The declaration was also read in Dutch by Mr. Wessels.

Other Prisoners' Statement.

With reference to the statement, Mr. Wessels read their declaration, which was as follows:

"We have heard the statement made by Lionel Phillips and we fully agree with what he has said as regards the objects with which the Reform Committee was formed. Since the formation of the committee we have worked with them, and we have seen that they have in view was to use the utmost endeavor to avert bloodshed, but, at the same time, to endeavor

to obtain redress of what we consider very serious grievances."

Advocate Wessels also admitted, on behalf of Francis Rhodes, that he was mentioned under another name in one of the telegrams produced in court. Mr. Wessels intimated that he would make his speech for the defense in the afternoon. This was agreed to and the court adjourned till 2 o'clock.

Mr. Wessels' Speech.

The defense of the accused was opened by Mr. Wessels, senior counsel for the reformers, in a speech which lasted exactly two hours. Mr. Wessels, after observing that he would endeavor to make his address as brief as possible, proceeded to say:

My Lord, before going into the circumstances of the case, I purpose inquiring what punishment may be meted out in this republic."

Are we to follow the laws of the old Roman or our own statutes. If in the latter case, then we need not apply the statute of the old Roman law. I proceed to say that should the principle be laid down that the Roman-Dutch laws demand a severe punishment and that milder punishment is demanded by the laws of this country, I would repeat, if the Court shall see fit so to do, to apply the milder punishment.

In treating this important subject it is absolutely necessary to give a brief review of the laws since the time of the ancient Romans.

Quoted the Old Laws.

In the old Roman Republic the penalty for commitment of high treason was as not having been committed against the person of a sovereign, but, as in this case, where no king existed, the crime was punishable for treason against the State.

Justice soon saw that the laws of a cruel, barbarous time were not adaptable to us. Moreover, the United Netherlands was not an autocratic republic, but desired to establish a republican system.

The advocate then stated that treason was punishable in Holland by banishment or a monetary fine. He continued:

Africans are not a blood-thirsty nation, and as long as I have resided in the Republic, I have not found many death sentences carried out.

Milder Laws Favored.

It may be said that the people of this Republic have laid down in their statute books hard old laws, which are to be repealed and replaced by milder laws.

In the thirty-three articles it is enacted that a person who conspires with any foreign power for the purpose of bringing the State into subjection to such power, are liable to a fine of 500 rix dollars and banishment, and if he returned he was liable to the punishment of outlawry.

It is not our object to determine what punishment was meant to be inflicted by the Legislature on those who conspired with or granted assistance to foreign powers. The question to be decided is whether the sentence of death is still in force in this Republic.

It is certain, however, that it does still exist, but for this misdemeanor a person can be transported across the border, and can certainly not be awarded the death sentence.

It was the intention of the law to inflict milder punishment.

On May 30, 1894, confiscation of goods was abolished as the legal code of Holland, and our laws have been brought into conformity therewith, thereby showing a tendency to abolish barbarous enactments. Why? Because this Republic is not a kingdom. The President or monarch of the Kingdom of Holland is not the State, but the State is impersonated, and here the State is the sovereign power. If the President were attacked it would not be directed against his personality. This is the republican spirit.

Jameson Not a Ruler.

The counsel read three counts of the indictment, and continued:

According to the indictment Jameson is neither King, Governor nor Ruler. It is not alleged by the accused that he is such. The prisoners only admitted that they imported guns. If that is so they cannot be punished with the extreme penalty. There could be no question of a conspiracy, with accessories, as no one was not present at the time the law is applicable, that would be the severest punishment that can be applied.

The accused did not plead guilty on the second count. They did not ask Jameson to come across our border with a hostile intention.

The Judge said:

"Count No. 1 of the indictment says that they did conspire with Jameson to do so."

Wessels said that he did not say that they conspired with Jameson to cause an insurrection. Mr. Wessels showed telegrams to prove the statement of the four accused leaders that they tried their best to prevent Jameson and his hostile troop coming over the border. Persons were sent to forbid him to come, he said. They are only indirectly guilty of the charge alleged.

Question of Punishment.

Mr. Wessels continued:

It is for Your Lordship to say what punishment should be inflicted. It is doubtful whether any one conspiring with England can be punished with the same penalty.

Judge: But a band of freebooters is far more dangerous.

Mr. Wessels—I can only observe that it is too detestable to think of passing death sentence. It would surprise the populace.

The question is, is it compulsory for the court to execute the provisions of section 148 of act 191 of 1865? I think not. The word "shall" occurring in certain sections of the old law was construed by Judge De Korte to mean "may" in regard to the powers of the mining commissioner. In cases where it was intended to lay down the principle of practicing cruelty only to the interests of the Republic. It rests with Your Lordship to determine whether confiscation is necessary.

The spirit of the law certainly prescribes banishment of a misfeaser from the Republic, but the punishment of the above-named four would be too cruel to think of.

In regard to the remainder of the accused they have pleaded guilty to having distributed arms, etc. They are in no sense connected with Jameson. I would request you to measure the punishment according to the measure of guilt.

It is not time to criticize the action of the accused in throwing up earthworks or fortifications, but it will be necessary for the purpose of their defense to review circumstances in this State during the last ten years—up to the time of the last disturbance.

During that time Your Lordship was in an adjoining Republic. There the laws are different. An alien may cross a bridge and assist in the government of the State here, but Your Lordship must be aware that the relations between the Government and Uitlanders were much strained, especially during the last four months.

Grievances of Uitlanders.

They thought they had certain grievances, and it is sufficient for our purpose to state that the London manifesto contains a summary of the accused men's grievances. It is necessary to observe that they were not freebooters or that they desired booty or to lend themselves to the commitment of crime. They did no more than hundreds of men of our time have done. For instance, there is one burgher war. They are not freebooters, but they have come here to establish their domiciles and become part of the State. Neither had they any connection with the Chartered Company, nor did they repudiate the rights of the burghers.

The Judge said the accused had pleaded guilty to the charge of having brought the independence or safety of this Republic into danger.

Mr. Wessels said that Phillips did not say so.

The Judge said: "I think he did."

It is for Your Lordship to decide what crime they have committed.

Independence Not in Peril.

It is certain they have done nothing to endanger the independence of the country. Why did they call Jameson in? It was a unfortunate step, but they took measures to insure their

safety. Petition after petition was rejected, and it was made an impossibility to become a burgher.

"This State demonstration was made," said the Judge, "and men were armed. Jameson was at one with the four accused. There are the declarations of Phillips and of his speech. These tend to show how much in earnest they were."

Mr. Wessels said:

Your Lordship has seen the telegrams. It would be as well to go through these to trace what connection exists between Cecil Rhodes and Jameson. I know of no proof of what emanated in the brain of Cecil Rhodes or Mr. Jameson to commit any such act nor is there any proof that the Chartered Company intended to bring the safety of the Republic into danger. If the above named four men conspired with Jameson to do so, circumstances would probably prove it. Now, Messrs. Phillips, Farrar, Rhodes and Hammond are important men. Mr. Phillips is known throughout South Africa, and his enormous work in connection with the mining industry of Johannesburg. Messrs. Farrar and Hammond are men of weight.

These are the men who have ever studied the interests of the Republic, and have endeavored to promote those interests in different parts of the world.

Would Do No Injury.

They would not think for a moment of injuring Johannesburg. The name of Rhodes is sufficient to make one quake in one's shoes. There can be no doubt that Johannesburg will not receive Cecil Rhodes with open arms. This is a well-known fact. Cecil Rhodes, who has borne no love for Johannesburg, but, as in this case, where no king existed, the crime was punishable for treason against the State? Was it possible to overthrow the Republic with such a small body of men? Could they not just as well have smuggled these men in by train in the same manner as the guns were smuggled in?

Mr. Phillips has declared that there were only 2,600 rifles in Johannesburg. Twenty thousand persons asked for arms and they could not obtain any.

A document handed to Mr. Vandermere states that there were only 2,500 rifles. Was it possible to think that 2,500 rifles together with Jameson's 580 men could injure the independence of this Republic?

It was found necessary to organize as soon as the news came that Jameson had crossed the border. If the accused had thought of overthrowing the independence of the Republic, then they should be incarcerated in a lunatic asylum, rather than in jail.

The Chartered Company.

All connection between the accused and Dr. Jameson which the Chartered Company must be broken. Did they seize railways or interfere with officials? Did they not lay down their arms when they heard that Jameson had surrendered? Did they not send a message to Jameson, "Do not come in Heaven's name?" Did the Hammond telegram not come?

If Jameson committed an insurrection, they are not responsible for such insurrection.

As soon as the armament took place, Hammond hoisted the flag of the South African Republic, and to that flag they swore an oath of allegiance.

On December 30, when it became known that Jameson had crossed the border, there was general consternation in Johannesburg. On that evening members of the Reform Committee were called together.

Feared the Burghers.

Naturally every one feared that the burghers would advance on Johannesburg. Of course, military corps were formed and earthworks were thrown up. The Government feared that a collision might take place with the police, and they were in consequence removed. It was found necessary to place Dr. Jameson in charge of a body of police to protect the women and children against roguish and Kaffirs.

Moreover, we have the declarations of Lieutenants De Korte and Pietersen to substantiate the fact that Johannesburg was never in a dangerous condition. Everything was done to avoid a collision by the Reform Committee. Immediately after the interview with Messrs. Eugene Marais and W. Malan, four of the leading members waited on the Commission and informed them that they had forbidden Jameson to cross the border. Thereupon the reply was received from the Commission that the fortifications were discontinued and Edys was sent to Jameson with a proclamation. They even offered themselves as hostages. More they could not do.

The accused have been confined for three and a half months in jail.

Men of Good Standing.

Think of the anxiety as to the result of this prosecution! They are not men of low standing, they are compared with such. Here we have Cecil Phillips, a man who was for over seven years chairman of the Chamber of Mines and head of that great financial concern, the house of Ekstein. To him all praise is due that various mines on the Rand are being exploited.

Could you punish hundreds of white and black employees?

George Farrar is at present working not less than ten mines, employing 700 whites and 1,000 blacks. Why should he employ his capital else where?

Again John Hays Hammond is known to be one of the greatest mining experts in the United States. It is owing to him that gold fields have been successfully worked, and to him the Republic owes the clever geological survey of the Witwatersrand Gold Fields.

Francis Rhodes is a devotee of gold fields, but has the misfortune to bear that name.

Others, I may observe, are some of the leading men of Johannesburg. By punishing these men not one, but hundreds, will be punished in Johannesburg.

It is the object of the Republic to prove to the outside world that the Government is powerful enough to punish despots, but will punish down the principle of practicing cruelty only to the interests of the Republic. It rests with Your Lordship to determine whether confiscation is necessary.

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ing that it was his duty to ask that those who pleaded guilty be punished as the Court thinks fit and their property confiscated, under article 148 of the Gold Law.

After a few remarks by the Judge court was adjourned until 11 o'clock on the 28th.

The Judge's Summing.

The court resembled the next morning. After the names of the accused had been called the Judge summed up as follows:

The four accused, Lionel Phillips, George Farrar, Francis Rhodes and John Hays Hammond, stand charged with and have pleaded guilty to the crime of high treason. The indictment sets forth that in the months of November and December last they did wrongfully and unlawfully commit high treason. According to the plea handed in by them in these last mentioned cases they have generally acknowledged the facts contained in counts three and four, and thus unlawfully distributed guns and other arms and ammunition, and have engaged in the work in connection with the mining industry of Johannesburg with the object of violently resisting the lawful authority of the State.

The first four have pleaded guilty to high treason, which is heavily punishable by law. They have taken the best legal advice, and they have had the assistance of the ablest advocates. The plea of guilty, in conjunction with the evidence heard, shows that no long demonstration of proof may be expected from me, but I cannot refrain from making a few observations on the plea handed in by them.

Comments on Jameson.

It would seem that they did place themselves in communication with Jameson, and that he, notwithstanding that the invitation of the accused had been withdrawn, without troubling himself respecting their safety and wishes, at the head of an armed troop invaded the Republic of the South African Republic.

Apparently the intention of Jameson was neither philanthropic nor friendly toward the Republic. This insurrection could have been attended with most fatal and bloodiest results for South Africa, and cannot be sufficiently condemned as a crime against the Republic.

Thanks to the patriotism, bravery and heroism of the Transvaal burghers, the invasion was repelled. Were it not for the four accused the insurrection would not have taken place. This they have acknowledged themselves, but they allege in their plea that Jameson came earlier than when he was asked to enter the Republic, and that he intended to induce him to return, and their attitude after the invasion of Jameson was only assumed in self-defense against the Transvaal Government.

Responsible for the Raid.

Thus they were responsible for what did occur. The question was put to them: Did they in this instance? The reply is they are in duty bound to faithfully stand by the Government whose hospitality they enjoyed when its independence was threatened. They repudiated Jameson, but there is reason to apprehend that they at the same time stood by him.

With reference to the remainder of the accused, whatever grievances Johannesburg may have had, the members of the Reform Committee acted wrongfully and treacherously.

According to English law, the granting of refuge to an enemy stood equal to high treason. The question, what provision of the Transvaal law is applicable in this instance has been answered by the defense by referring to article 9, of the thirty-three articles of 1893, which prescribes a fine of 500 rix dollars and banishment for the crime in question, but the allegation that the article supercedes the provisions of Dutch law is erroneous. It was nowhere laid down that punishments prescribed by other laws are abolished. Moreover, the above mentioned article has no relation to the instance whereby a foreign enemy had really made an invasion.

His Lordship quoted several cases and said:

These all go to prove that the special law did not abolish the provisions of the general law.

Act No. 1, of 1877, has no bearing on this case. If the application of article 9 of the thirty-three articles was held to then it was impossible to give effect to the provisions of article 148 of the gold law, which stipulates for the confiscation of goods.

I may observe here that with this article the court has nothing to do, because the accused have pleaded guilty under the general law, and it is therefore unnecessary for the Attorney has asked that punishment be passed.

If any opposite views are held, I am prepared to reserve the point in dispute for a decision of the full bench. It is now, however, the duty of the court to pass sentence.

The President of the Bench.

Hon. Messrs. Lionel Phillips, John Hays Hammond, Francis Rhodes and George Farrar were arraigned in the dock brought in for that purpose.

The registrar having asked the accused whether they knew of any reason why sentence of death should not be passed on them, the reply from all was in the negative.

His Lordship, addressing the above-named accused, said:

Lionel Phillips, if I am painful duty to pass sentence on you, I am only doing what you have asked me to do. You have asked me to pass sentence on you, and I am only doing what you have asked me to do.

The President and Executive Council to show you any mercy. May the magnanimity only lately shown by the Transvaal authorities be extended to you, but this is a case that does not fall within my jurisdiction. I can only say that you in any other country would not have been treated with so much mercy. The sentence of the Court is that you be taken from this place where you now are to the goal at Pretoria or such other goal in the Republic, and that you be kept there until such time and such place as the President shall appoint, and shall be taken to that place of execution and be hanged by the neck.

May Almighty God have mercy on your soul.

The same sentence was pronounced on Rhodes, Hammond and Farrar.

Sentence of Minor Offenders.

Addressing the other prisoners, the Judge said:

Each and every one of you will be kept in goal for the period of two years, or such other place as the President shall appoint, and that you be kept there until such time and such place as the President shall appoint, and shall be taken to that place of execution and be hanged by the neck.

Spain's Losses in Cuba.

Her Death-Roll Much Greater Than That of the Insurgents—Canovas Is Anxious to Grant Reforms.

Madrid, May 7.—Official statistics show that from the beginning of the Cuban war until the end of April the insurgent losses were: Sixty-three leaders and 4,275 insurgents killed; 12 leaders and 1,976 insurgents wounded; 16 leaders and 548 insurgents made prisoners; 6 leaders and 676 insurgents voluntarily submitted, and 4,837 burghers captured.

The Spanish losses from death in battle or disease were: Three generals, 3 colonels, 2 lieutenant-colonels, 16 majors, 69 captains, 213 lieutenants and 4,578 sergeants, corporals and men.

Newspapers confirm the story I sent to the Journal many days ago, asserting that Canovas was willing to grant reforms in Cuba. Canovas is resolved to grant them.

He says he considers that the superiority of the Spanish arms in Cuba has been sufficiently demonstrated and that no one can doubt the final result of the war there. Therefore no cause exists for not granting reforms.

The Premier is trying to make General Weyler share his opinion, and hopes to succeed.

ALHAMA.

How are Your Kidneys? It is remarkable the sales we have of Dr. Robb's Sprague's Kidney Pills. Both Dr. Robb and Dr. H. H. Hande R. K. have been entirely cured of kidney trouble, and recommends them to his friends. Ackerman & Co., Druggists, Columbus Ohio.

Boers to Keep Reformers in Prison Until Action is Taken on Jameson's Case.

Cape Town, May 7.—The Transvaal is playing a waiting game with the reformers, who meanwhile are held as valuable hostages pending the result of Jameson's trial in England.

The sentence of the leaders will probably be five years' imprisonment, but banishment is not favored by members of the Volksraad.

It is believed facilities will be given the prisoners for doing business under supervision.

The bribery of officials by the prisoners is denied, but generally accepted as true. Cecil Rhodes has been appointed Colonel, commanding the forces at Gwelo.

The Matabeles are still harassing settlers, but are reported to be moving beyond the Zambesi, in order to found a new nation.

London, May 7.—In the House to-day Mr. Chamberlain said: "I have not addressed to, nor have I received from Mr. Rhodes any communication whatever since he left this country."